

PERKINS  
SMITH &  
COHEN

Perkins Smith & Cohen LLP  
Attorneys at Law

## FAX COVER SHEET

Date: April 15, 2004 Client Code: 29830-107

To: Filing Receipt Corrections To: \_\_\_\_\_  
Office of Initial Patent Examination  
USPTO

Fax #: (703) 746-9195 Fax #: \_\_\_\_\_  
 Phone #: \_\_\_\_\_ Phone #: \_\_\_\_\_

To: \_\_\_\_\_ To: \_\_\_\_\_  
 Fax #: \_\_\_\_\_ Fax #: \_\_\_\_\_  
 Phone #: \_\_\_\_\_ Phone #: \_\_\_\_\_

Subject: Application No. 10/669,620  
Second Request for Corrected Filing Receipt

From: Jacob N. Erlich Direct Dial: (617) 854-4281

Assistant: \_\_\_\_\_ Direct Dial: \_\_\_\_\_

Pages: 9, including this cover sheet.

### MESSAGE:

Please see the attached.

*Jacob N. Erlich* 4-15-04  
 Reg # 24,338

NOTICE: This fax transmission contains confidential information from a law office. The information is intended only for the use of the individual(s) or entity named on this transmission sheet. If you are not the intended recipient, any disclosure, copying, distribution or the taking of any action in reliance on the contents of this faxed information is prohibited, and this entire transmission should be returned to this firm immediately. If you have received this fax in error, please notify us by telephone immediately so that we can arrange for the return of the original documents to us at no cost to you. Thank you for your help.

One Beacon Street, 30<sup>th</sup> Floor, Boston, MA 02108-3106 Tel 617.854.4000 Fax 617.854.4040

Boston, MA Providence, RI Washington, DC

www.pscboston.com

3C  
AGILENT TECHNOLOGIES, INC.  
Legal Department, DL429  
Intellectual Property Administration  
P. O. Box 7599  
Loveland, Colorado 80537-0599

ATTORNEY DOCKET NO. 10030589-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Daniel B. Roitman, et al.

Serial No.: 10/669,620

Examiner: TBD

Filing Date: September 24, 2003

Group Art Unit: 1641

Title: NEAR-FIELD AND FAR-FIELD ENCODING AND SHAPING OF MICROBEADS FOR BIOASSAYS

COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria VA 22313-1450

TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

Sir:

Transmitted herewith is/are the following in the above-identified application:

- ☐ Response/Amendment ☐ Petition to extend time to respond  
☐ New fee as calculated below ☐ Supplemental Declaration  
☐ No additional fee (Address envelope to "Mail Stop Non-Fee Amendments")  
☒ Other: Second Request for Corrected Filing Receipt: copy of (Fee \$\_\_\_\_)  
Response to Request for Corrected Filing Receipt: copy of original  
Declaration: copy of Filing Receipt: facsimile cover sheet.

CLAIMS AS AMENDED BY OTHER THAN A SMALL ENTITY						
(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT	(3) NUMBER EXTRA	(4) HIGHEST NUMBER PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEES
TOTAL CLAIMS		MINUS		=	X 18	\$
INDEP. CLAIMS		MINUS		=	X 86	\$
<input type="checkbox"/> FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM					+ 290	\$
EXTENSION FEE	1 <sup>ST</sup> MONTH 110.00 <input type="checkbox"/>	2 <sup>ND</sup> MONTH 420.00 <input type="checkbox"/>	3 <sup>RD</sup> MONTH 950.00 <input type="checkbox"/>	4 <sup>TH</sup> MONTH 1480.00 <input type="checkbox"/>	OTHER FEES	
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$

Charge \$\_\_\_\_ to Deposit Account 50-1078. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 50-1078 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 50-1078 under 37 CFR 1.16, 1.17, 1.19, 1.20 and 1.21. A duplicate copy of this transmittal letter is enclosed.

Respectfully submitted,  
Daniel B. Roitman, et al.

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below:

Date of facsimile: April 15, 2004

Typed Name: Jacob N. Erlich

Signature: Jacob N. Erlich

By Jacob N. Erlich  
Jacob N. Erlich  
Attorney/Agent for Applicant(s)


Reg. No. 24,338

Date: April 15, 2004

Telephone No. (617) 854-4000

**CERTIFICATE OF FACSIMILE**

I hereby certify that this correspondence is being transmitted by facsimile to: Commissioner for Patents, Office of Initial Patent Examination, Filing Receipt Corrections, facsimile number (703) 746-9195 on this date: April 15, 2004.

  
Jacob N. Erlich  
Reg. No. 24,338

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Daniel B. Roitman, et al.  
Application Serial No. 10/669,620  
Filed: September 24, 2003  
Title: NEAR-FIELD AND FAR-FIELD ENCODING AND SHAPING OF MICROBEADS FOR BIOASSAYS

Group Art Unit: 1641  
Confirmation No.: 5622  
Examiner: TBD

Agilent Technologies, Inc.  
Legal Department, DL 429  
Intellectual Property Administration  
P.O. Box 7599  
Loveland, CO 80537-0599

To: Commissioner for Patents  
Office of Initial Patent Examination  
Filing Receipt Corrections  
Facsimile No. (703) 746-9195

**SECOND REQUEST FOR CORRECTED FILING RECEIPT IN RESPONSE TO  
USPTO RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT**

Sir:

In the above-identified application, and in response to the USPTO's Response to Request for Corrected Filing Receipt dated March 8, 2004 (copy enclosed), a corrected filing receipt is hereby requested.

On March 22, 2004, the undersigned, Applicants' attorney, spoke with Examiner Williams of the Customer Service Center of the Office of Initial Patent Examination (OIPE). Mr. Williams explained that, because the instant application is a continuation-in-part of Application Serial No. 10/379,107, filed March 4, 2003 (the '107 application), a copy of the Declaration from the '107 application, per USPTO practice, was placed in the file of the instant application. The Declaration from the '107 application correctly lists Kevin P. Killeen as a joint inventor of the '107 application. However, Mr. Killeen is not an inventor in the instant application, as evidenced by the original Declaration filed on September 24, 2003 with

Application Serial No. 10/669,620 (copy attached). Applicants believe that the OIPE inadvertently referred to the Declaration of the '107 application instead of the Declaration of the instant application when it incorrectly and inadvertently added Mr. Killeen as an inventor in the instant application. Accordingly, Mr. Killeen's name should be removed from the filing receipt in the instant application. In view of the fact that the original Declaration in the instant application (Application Serial No. 10/669,620) is correct, no new Declaration is required.

A copy of the original filing receipt with corrections noted is also attached.

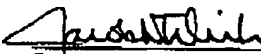
Although no fee is required, the Commissioner for Patents is hereby authorized to charge any deficiencies or to credit any overpayment to Deposit Account No. 50-1078.

The following information is presented in the event that a call may be deemed desirable by the Customer Service Center of the OIPE:

JACOB N. ERLICH (617) 854-4000.

Date: April 15, 2004

Respectfully submitted,  
Daniel B. Roitman, et al. Applicants

By:   
Jacob N. Erlich  
Reg. No. 24,338  
Attorney for Applicants



# COPY

Page 1 of 2

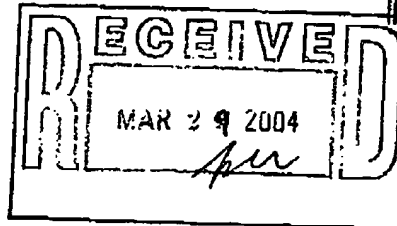
**RECEIVED**

PATENT AND TRADEMARK OFFICE

MAR 16 2004

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER 10/669,620	FILING OR 371(c) DATE 09/24/2003	FIRST NAMED APPLICANT Daniel B. Roitman	ATTY. DOCKET NO./TITLE 10030589-1
----------------------------------	-------------------------------------	--	--------------------------------------

AGILENT TECHNOLOGIES, INC.  
Legal Department, DL429  
Intellectual Property Administration  
P.O. Box 7599  
Loveland, CO 80537-0599

CONFIRMATION NO. 6622



Date Mailed: 03/08/2004

3-29-04 Docketed as Rec'd  
**RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT**

**Claims, Fees, and Inventors**

In response to your request for a corrected Filing Receipt, the Office is unable to comply with the request because:

- ☐ The total number of claims appearing on the Filing Receipt does not include multiple dependent claims. The total fee appearing on the Filing Receipt includes the cost of multiple dependent claims that were present at the time the application was filed.
- ☐ The filing fee is correct. It may include additional claims fees and/or the surcharge under 37 CFR 1.16 (e) for filing an oath/declaration or basic filing fee after the application filing date; or it may not reflect fees refunded to the applicant that were paid by mistake.
- ☐ The number of claims reflected on the filing receipt is correct. Upon review of the claims, it was found that there was a miscalculation by the applicant. This may be due to improperly presented multiple dependent claims, typographical error, misnumbering of the claims, or other oversight. An amendment may be necessary to correct the problem.
- ☐ The filing fee reflected on the filing receipt is correct. Applicant may have miscalculated the fees due.
- ☐ Applicant calculated fees as other than small entity; however, applicant asserted small entity status in the application. Therefore, fees were applied as small entity and the remainder was refunded to the applicant.
- ☐ The difference between the fees paid and the fees due was refunded to the applicant and will not be shown on the filing receipt.
- ☐ The inventor information may be truncated if the family name consists of more than 50 characters (letters and spaces combined) and if the given name consists of more than 50 characters (letters and

April 5, 2004 DOCKETED  
Response to Request for Corrected  
Filing Receipt w/ Petition

spaces combined).

- ☐ The inventor's residence allows for up to 40 characters (letters and spaces combined).
- ☐ The inventor's residence will only include the city and state for U.S. residences or city and country for residences outside the U.S. (See MPEP 605.02).
- ☐ A petition to correct the inventorship is needed to make this change. See 37 CFR 1.48. For non-provisional applications, the petition should be directed to the Director of the examining group assigned to your application.
- ☒ Changes made after submission of an executed declaration to the inventor information other than correction of typographical errors must be submitted in the form of a substitute declaration. Change of inventorship requires a petition under 37 CFR 1.48.
- ☐ The number of drawings shown on the filing receipt reflects the number of drawing sheets submitted and is not necessarily equal to the number of figures submitted.
- ☐ The correspondence address was captured as directed by applicant on filing. If you wish correspondence to be directed otherwise, please submit a request for a change of address.
- ☐ The docket number allows a maximum of 25 characters.
- ☐ The person signing on behalf of the deceased inventor is reflected on the Filing Receipt as the legal representative.
- ☐ The filing date of a parent application cannot be changed by this request. A petition to correct the filing date in the parent application is required.

Ruth - BERNEZ  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY